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AF/2854

Docket # 4100-273

Patent

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of
Josef GÖTTLING et al.
Serial No.: 09/973,590
Filed: October 09, 2001
For: Apparatus For Producing Printing Plates

Examiner: Hence Evans, Andrea
Group Art: 2854

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January 29, 2004
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Alfred W. Froebrich
Name of applicant, assignee or Registered Representative

Signature

January 29, 2004
Date of Signature

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APPEAL BRIEF

SIR:

This is an appeal, pursuant to 37 C.F.R. §1.192(a) from the decision of the Examiner in the above-identified application, as set forth in the Final Office Action wherein the Examiner finally rejected appellant's claims. The rejected claims are reproduced in the Appendix A attached hereto. A Notice of Appeal was filed on October 31, 2003. This Appeal Brief is being submitted in triplicate.

The fee of $330.00 for filing an Appeal Brief pursuant to 37 C.F.R. §1.17(f) is submitted herewith. Appellants requests a one-month Extension of Time of the original shortened statutory response period to file this Appeal Brief. A Petition for the one-month extension of time is enclosed herewith along with the fee of $110. Any additional fees or charges in connection with

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02 FC:1251 110.00 OP

this application may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

REAL PARTY IN INTEREST

The assignee, Man Roland Druckmaschinen AG, of applicants, Josef GOTTLING, Thomas HARTMAN, and Godber PETERSEN, is the real party of interest in the above-identified U.S. Patent Application.

RELATED APPEALS AND INTERFERENCES

There are no other appeals and/or interferences related to the above-identified application at the present time.

STATUS OF CLAIMS

The application was filed with claims 1-15. Claims 1, 3, 4, 6, 7, 8, and 9 were amended and claims 16 and 17 were added during examination by an amendment filed on April 8, 2003. All the claims were finally rejected in an Office Action dated June 30, 2003. Pursuant to an amendment after final filed on October 2, 2003, claims 1 and 17 were amended and claim 16 was cancelled. The Examiner stated in an Advisory Action dated October 16, 2003 that the amendment would be entered for purposes of Appeal. Accordingly, the rejection of claims 1-15 and 17 is appealed herein. These claims are reproduced in the attached Appendix.

STATUS OF AMENDMENTS

An Amendment was filed on October 2, 2003 subsequent to the Final Office Action. In response, on the Examiner entered the amendment for purposes of Appeal. The Examiner states that the claims remain rejected as set forth in the final rejection.

SUMMARY OF THE INVENTION

The present invention relates to an apparatus for setting images on a printing plate. The apparatus includes a frame 2, a mounting 3 arranged on the frame 2, and a carrier cylinder 1 which is cantilever mounted on the mounting 3 (see page 6, lines 2-3 and Fig. 1 of the specification). As depicted in Fig. 1, the frame is a standalone device which is separate from a printing machine. The mounting 3 includes a carrying tube 4 and a spindle 5 rotatably mounted in the carrying tube 4 by rolling contacts bearings 6, 7 (see page 6, lines 4-5). The carrier cylinder 1 is attached to the spindle 5 so that the carrier cylinder 1 rotates with the spindle 5 (page 6, lines 4-5). For stability of the cantilever-mounted carrier cylinder 1, a base 12 of the carrier cylinder 1 located in a central portion of the carrier cylinder 1 is connected to the spindle 5 (page 6, lines 15-20). A motor 8 drives the spindle 5 and carrier cylinder 1. The motor 8 may be arranged in the carrying tube 4 (page 6, lines 5-6) or mounted to the frame and connected by an external flexible drive arrangement (page 6, lines 9-14). The apparatus also includes an image setting device 15 mounted on a carriage 14 which is movable on a crossmember 13 arranged parallel to the axis of rotation of the carrier cylinder (page 7, lines 1-3).

A sleeve-like printing plate 16 can be pushed onto the freely accessible end of the carrier cylinder 1 (page 7, lines 4-5). This configuration allows the printing plate to be changed with little effort and with low space requirements, in accordance with the object of the invention stated on page 3, lines 2-4.

ISSUES

1. Whether claims 1, 2, 5, 12, and 17 are patentable under 35 U.S.C. 103 over U.S. Patent No. 6,030,750 (Vermeersch) in view of U.S. Patent No. 5,823,821 (Petersen) and further in view of U.S. Patent No. 6,186,068?

2. Whether claim 3 is patentable under 35 U.S.C. 103 over Vermeersch, Petersen and Gelbart in further view of U.S. Patent No. 6,186,065 (Kersch)?

3. Whether claims 4 and 8 are patentable under 35 U.S.C. 103 over Vermeersch, Petersen and Gelbart in further view of U.S. Patent No. 5,687,647 (Vrotacoe)?

4. Whether claim 7 is patentable under 35 U.S.C. 103 over Vermeersch, Petersen and Gelbart in further view of U.S. Patent No. 5,188,027 (Fantoni)?

5. Whether claims 6 and 9 is patentable under 35 U.S.C. 103 over Vermeersch, Petersen and Gelbart in further view of Vrotacoe and Fantoni?

6. Whether claims 10 and 11 are patentable under 35 U.S.C. 103 over Vermeersch, Petersen and Gelbart in further view of U.S. Patent No. 6,070,528 (Fleischmann)?

7. Whether claim 13-15 are patentable under 35 U.S.C. 103 over Vermeersch and Petersen in further view of Fleischmann?

GROUPING OF CLAIMS

The pending claims are, of which claims are independent. The claims are grouped as follows:

Group I -- claims 1-15 and 17, which stand or fall together.

ARGUMENT

GROUP I (CLAIMS 1-15 AND 17)

It is respectfully submitted that Vermeersch in view of Petersen and Gelbart fail to teach or suggest a standalone imaging device having a frame and a mounting device, in which a carrier cylinder for receiving a printing plate to be imaged is cantilever mounted on the mounting device, as recited in independent claim 1.

Vermeersch discloses a method for making a lithographic printing plate in which a printing plate is first subjected to an image-wise exposure in an imaging apparatus and then developed on a print cylinder of a printing press (col. 2, lines 26-41 and col. 8, lines 1-7). Vermeersch further discloses at col. 8, lines 28-31 that the imaging apparatus can operate on its own or be incorporated in a lithographic printing press. In the specific embodiment shown in Fig. 1 and described starting at col. 9, line 5, Vermeersch discloses that the printing plate is imaged on a cylinder 50 that is part of a printing press (see col. 9, lines 14-28). Vermeersch does not specifically disclose how the cylinder 50 is mounted. Accordingly, Vermeersch fails to disclose a standalone imaging device in which a carrier cylinder for receiving a printing plate to be imaged is cantilever mounted on a mounting device.

Petersen discloses a driven cylinder 1 which is a form cylinder or a transfer cylinder of a printing group in a printing machine (see col. 2, lines 25-27 of Petersen).

According to Petersen, the cylinder 1 is attached to a spindle head 2 of a spindle 3 which is mounted in a carrier tube 6, the carrier tube 6 being mounted in a sidewall 11 and a support wall 12 of the printing machine (col. 2, lines 27-38). Accordingly, the cylinder is cantilever mounted.

To establish a prima facie case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, not in applicant's disclosure. In re Vaeck, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991).

It is respectfully submitted that there is no motivation for using the cantilever mounting of a cylinder of Petersen for mounting a cylinder in a standalone imaging device which carries a printing plate to be imaged. When an image is applied to a printing plate, a stable, low-vibration mounting of the printing plate facilitates a better defined image transferred to the printing plate. Furthermore, the disclosures of Vermeersch and Petersen both relate to cylinders mounted within printing machines. Accordingly, there is no motivation in Vermeersch or Petersen for using a cantilever mounting for a cylinder in a standalone imaging device for receiving printing plates to be imaged, as recited in independent claim 1.

Gelbart fails to teach or suggest what Vermeersch and Petersen lack. Gelbart discloses a method for holding printing sleeves in a standalone imaging device. However, Gelbart discloses that the cylinder in the standalone imaging device is mounted using a headstock 5 and a tailstock 4 (see col. 2, lines 53-56 of Gelbart). Only Gelbart teaches a

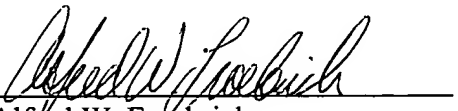
mounting in a standalone imaging device. Vermeersch and Petersen disclose mounting cylinders within a printing machine. Accordingly, there is no motivation for using the cantilever mounting for a cylinder disclosed by Petersen in a standalone imaging device with a cylinder that is cantilever mounted.

For the foregoing reasons, it is respectfully submitted that the combined teachings of Vermeersch, Petersen and Gelbart fail to establish a prima facie case of obviousness with regard to the subject matter recited in the claims. The Final Rejection of the claims in Group I should be reversed.

CONCLUSION

For the foregoing reasons, it is respectfully submitted that appellants' claims are not rendered obvious by Vermeersch in view of Petersen and Gelbart and are, therefore, patentable over the art of record, and the Examiner's rejections should be reversed.

Respectfully submitted,
COHEN, PONTANI, LIEBERMAN & PAVANE

By 

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APPENDIX

1. Apparatus for producing printing plates, comprising:

a frame arranged as a stand-alone structure external to a printing machine,

a mounting arranged in said frame;

a carrier cylinder having a first end and a second end, said carrier cylinder being cantilever mountable at an image setting position on said mounting via said first end of said carrier cylinder;

a motor for driving said carrier cylinder; and

an image setting device moveable along said carrier cylinder for setting an image on a blank printing plate arranged on said carrier cylinder, said second end of said carrier cylinder being freely accessible to permit printing plate change on said carrier cylinder, said mounting and said image sitting device being arranged on an upper surface of said frame.

2. The apparatus according to claim 1, wherein said mounting includes a carrying tube fixed in said frame and a spindle mounted in said carrying tube, said spindle being connected to said carrier cylinder and said motor being arranged in said carrying tube and having a drive connection to said spindle.

3. The apparatus according to claim 1, wherein said motor is fixed in said frame and said carrier includes a journal, and said apparatus further comprises an external flexible belt drive connecting said motor to said journal of said carrier cylinder.

4. The apparatus according to claim 1, wherein said carrier cylinder is operatively arranged for receiving a printing plate that can be clamped onto said carrier cylinder, said printing plate being a sleeve and said carrier cylinder having holes arranged in a cover thereof for blowing compressed air against a printing plate inner wall incident printing plate change.

5. The apparatus according to claim 1, wherein said carrier cylinder includes a clamping device for clamping a finite printing plate onto said carrier cylinder.

6. The apparatus according to claim 4, wherein said carrier cylinder is one of plural cylinders of different diameters which are each selectively mountable on said mounting at said image setting position.

7. The apparatus according to claim 5, wherein said carrier cylinder is one of plural cylinders of different diameters which are each selectively mountable on said mounting at said image setting position.

8. The apparatus according to claim 4, further comprising an intermediate sleeve borne on said carrier cylinder onto which said printing plate can be clamped, said intermediate sleeve being one of plural intermediate sleeves of different external diameter which can be borne on said carrier cylinder.

9. The apparatus according to claim 4, wherein said carrier cylinder is operative for selectively receiving printing plates of different diameters.

10. The apparatus according to claim 1, wherein said carrier cylinder is operative for receiving one of an offset printing plate, a letterpress printing plate, a flexographic printing plate, and a gravure printing plate.

11. The apparatus of claim 10, wherein a surface of said carrier cylinder comprises said gravure printing plate.

12. The apparatus of claim 1, further comprising a crossmember arranged in said frame parallel to an axis of rotation of said carrier cylinder, said image setting device being moveable on said crossmember.

13. The apparatus of claim 1, further comprising an erasing device arrangement which is settable set against said carrier cylinder.

14. The apparatus of claim 1, further comprising a fixing device arrangement which is settable against said carrier cylinder.

15. The apparatus of claim 1, further comprising a layer applicator device arrangement which is settable against said carrier cylinder.

16. (Canceled)

17. The apparatus of claim 16 1, wherein said upper surface of said frame is a planar surface.